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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,162	07/28/2003	Sander L. Gierkink	S. GIERKINK 2-2	4343
47396	7590	07/13/2006	EXAMINER	
HITT GAINES, PC AGERE SYSTEMS INC. PO BOX 832570 RICHARDSON, TX 75083			HANNON, CHRISTIAN A	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/628,162	GIERKINK ET AL.
	Examiner Christian A. Hannon	Art Unit 2618

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 May 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 May 2006 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received,  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Drawings***

1. The drawings were received on 5/22/2006. These drawings are acceptable.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5, 8 & 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Jen et al ( US 6,737,920), herein Jen.

Regarding claims 1 & 8, Jen teaches a phase-error suppressor for use with a plurality of transistors having a common source coupled to a current generator and configured to receive signals at a frequency, comprising an inductor, coupled between said common source and said current generator, configured to resonate proportionally to said frequency with a first capacitance associated with said plurality of transistors (Column 4, Lines 53-65; Figure 5C). Furthermore since claim 8 is merely a method recitation of claim 1, it is rejected on the same grounds.

In regard to claims 5 & 12, Jen teaches the phase-error suppressor as recited in Claim 1, further comprising a capacitor coupled to said inductor and coupled in parallel

to a said current generator, said capacitor being configured to shunt said inductor to ground at a selected radio frequency (RF) (Figure 5C, Items C<sub>S</sub>, L<sub>S</sub>). Furthermore since claim 12 is merely a method recitation of claim 1, it is rejected on the same grounds.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4, 6, 7, 9-11 &13-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jen in view of Sano et al (US 5,884,154), herein Sano.

In regards to claims 2 & 9, Jen teaches the phase-error suppressor of claims 1 & 8, however Jen fails to teach wherein said plurality of transistors and said current generator form a portion of a system selected from a group consisting of a quadrature oscillator buffer, a quadrature oscillator and a quadrature mixer. Sano teaches a plurality of transistors and said current generator form a portion of a system selected from a group consisting of a quadrature oscillator buffer (Figure 1, Items 51, 53, VDD, Q1-4, 41, 43, 45, 47, 15, 19 & 25; Sano), a quadrature oscillator (Column 3, Lines 35-39; Sano) and a quadrature mixer (Column 3, Lines 25-27; Sano). Therefore it would have been obvious to combine a RF communication system out of Jen's amplifier and Sano's mixer in order to create a low noise high linearity system as Sano suggests

(Column 2, Lines 35-38; Sano). Furthermore since claim 9 is merely a method recitation of claim 2, it is rejected on the same grounds.

With regards to claims 3 & 10, Jen teaches the phase-error suppressor of claims 1 & 8, however Jen fails to teach wherein said inductor and said first capacitance resonate at twice said frequency. Sano teaches wherein said inductor and said first capacitance resonate at twice said frequency (Column 4, Lines 3-5, 10-12 and 23-44; Sano). Therefore it would have been obvious to combine a RF communication system out of Jen's amplifier and Sano's mixer in order to create a low noise high linearity system as Sano suggests (Column 2, Lines 35-38; Sano). Furthermore since claim 10 is merely a method recitation of claim 3, it is rejected on the same grounds.

Regarding claims 4 & 11, Jen teaches the phase error suppressor of claims 1 & 8, however Jen fails to teach wherein said first capacitance is dominated by a base-to-emitter capacitance of at least one of said plurality of transistors. Sano teaches wherein said first capacitance is dominated by a base-to-emitter capacitance of at least one of said plurality of transistors (Column 3, Lines 39-45; Sano). Therefore it would have been obvious to combine a RF communication system out of Jen's amplifier and Sano's mixer in order to create a low noise high linearity system as Sano suggests (Column 2, Lines 35-38; Sano). Furthermore since claim 11 is merely a method recitation of claim 4, it is rejected on the same grounds.

In regards to claims 6 & 13, Jen teaches the phase error suppressor of claims 1 & 8, however Jen fails to teach wherein said frequency is at least three GHz. Sano teaches wherein said frequency is at least three GHz (Column 5, Lines 43-46; Sano).

While Sano mentions in particular an example of an operating frequency of 880MHZ in one example (Column 5, Lines 9-19), he does not limit the operating frequency to this particular specific frequency and goes on to teach the use of the circuit in a wireless telephone, obvious to one of ordinary skill in the art, which could operate at at least three GHz. Therefore it would have been obvious to combine a RF communication system out of Jen's amplifier and Sano's mixer in order to create a low noise high linearity system as Sano suggests (Column 2, Lines 35-38; Sano). Furthermore since claim 13 is merely a method recitation of claim 6, it is rejected on the same grounds.

With regards to claims 7 & 14, Jen teaches the phase error suppressor of claims 1 & 8, however Jen fails to teach where said signals are four periodic local oscillator signals having a 90 degree phase difference. Sano teaches where said signals are four periodic local oscillator signals having a 90 degree phase difference (Column 2, Lines 33-35; Sano). Therefore it would have been obvious to combine a RF communication system out of Jen's amplifier and Sano's mixer in order to create a low noise high linearity system as Sano suggests (Column 2, Lines 35-38; Sano). Furthermore since claim 14 is merely a method recitation of claim 7, it is rejected on the same grounds.

Regarding claims 15-21, therein recited are the limitations previously disclosed in apparatus and method claims 1-7 & 8-14, respectively, with the addition that the circuitry details are now made to comprise within an image-rejecting down-converter for use with a RF receiver. Jen or Jen in combination with Sano teaches all the limitations as previously rejected above in addition to the circuit being used within an image-rejecting down-converter for use with an RF receiver (Column 5, Lines 43-46; Sano).

***Response to Arguments***

6. Applicant's arguments, see Page 8, section II, filed 5/22/2006, with respect to claim 14 has been fully considered and is persuasive. The 35 U.S.C. 112 rejection of claim 14 has been withdrawn.
  
7. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian A. Hannon whose telephone number is (571) 272-7385. The examiner can normally be reached on Mon. - Fri. 8:00 AM - 4:30 PM.  
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Christian A. Hannon  
June 27, 2006



QUOCHIEN B. VUONG  
PRIMARY EXAMINER